

Appl. No. 10/773,908
Amtd. dated August 3, 2006
Reply to Office Action of May 16, 2006

REMARKS

In response to the Office Action dated May 16, 2006, Applicants respectfully request reconsideration based on the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-64 are pending in the present application and claims 57-64 are withdrawn from further consideration. Claims 1-7, 9-14, 16-31, 33-38, 40-47, 49-51 and 53-56 have been rejected. Claims 8, 15, 32, 39, 48 and 52 have been indicated as being allowable but for their dependence on rejected base claims, Applicants cordially thank the Examiner for indication of the same. Claims 1-56 remain for further consideration upon the entry of the present Response. No new matter has been added.

Double Patenting

Claims 1-7, 9-14, 16-31, 33-38, 40-47, 49-51, and 53-56 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent Application No. 10/508,587 to Kim et al. The Examiner has stated that the conflicting claims are not patentably distinct from each other because both applications disclose an image display device for displaying images using light internally provided comprising: a display panel, a light assembly, and a lamp including; a lamp body, first and second electrodes, a first member that receives a first end portion of the lamp body, and a second member disposed between the first member and the lamp body. Applicants respectfully traverse.

Since neither the present claims nor the claims of copending Application Serial No. 10/508,587 have been patented, there is no way that double patenting can be determined (nothing is patented and there is no way to compare the final claims until one of the cases has been patented and the other claims are otherwise allowable). Hence, the Applicants respectfully request that the Examiner withdraw these provisional obviousness double patenting rejections until the claims are in final form and otherwise in condition for allowance, and the case over which double patenting is alleged is allowed. Until such time, there is no double patenting and no way to determine double patenting.

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Furthermore, the Examiner is kindly reminded that pursuant to MPEP § 804(1)(B)(1) that if "provisional" nonstatutory obviousness-type double patenting ("ODP") rejections in two applications are the only rejections remaining in those applications, the Examiner should withdraw the ODP rejection in the earlier filed application thereby permitting that application to issue without need of a terminal disclaimer. A terminal disclaimer must be required in the later-filed application before the ODP rejection can be withdrawn and the application permitted to issue.

Conclusion

In view of the forgoing remarks distinguishing the prior art of record, Applicants submit that this application is in condition for allowance. Early notification to this effect is requested.

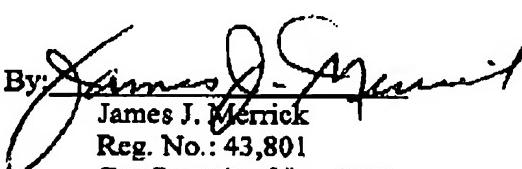
The Examiner is invited to contact Applicants' Attorneys at the below-listed telephone number regarding this Amendment or otherwise regarding the present application in order to address any questions or remaining issues concerning the same.

If there are any charges due in connection with this response, please charge them to Deposit Account 06-1130.

Respectfully submitted,

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Date: August 3, 2006